

Mail Stop Interference
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Paper 1

Filed 21 September 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

NIGEL M. GOBLE and COLIN C.O. GOBLE
Junior Party
(Patent 5,860,975),

v.

CHARLES R. SLATER
Senior Party
(Application 09/484,247).

Patent Interference No. 105,774 (JL)
(Technology Center 3700)

DECLARATION - BD.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count(s)
4 and claims designated as corresponding or as not corresponding to the count(s) appear
5 in Parts E and F of this DECLARATION.

6 Part B. Judge managing the interference

7 Administrative Patent Judge Jameson Lee has been designated to manage the
8 interference. Bd. R. 104(a).

9 Part C. Standing order

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 Part D. Initial conference call

13 A telephone conference call to discuss the interference is set for 1:00 p.m. (EST)
14 on 9 November 2010 (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
20 the conference call and to agree on dates for taking action. A typical motion period
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
22 for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: NIGEL M. GOBLE, Wales, United Kingdom
COLIN C.O. GOBLE, Wales, United Kingdom

Involved Patent: 5,860,975 granted 19 January 1999 based on
Application 08/573,187 filed 15 December 1995

Title: Electrosurgical instrument

Assignee: Gyrus Medical Limited

Senior Party

Named Inventor: CHARLES R. SLATER, Fort Lauderdale, FL

Involved Application: 09/484,247 filed 18 January 2000

Title: Bipolar endoscopic surgical scissor blades and
instrument incorporating the same

Assignee: None

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party
is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2 Count 1

3 Slater's application 09/484,247 claim 40

4 or

5 Goble's patent 5,860,975 claim 1

6
7 The claims of the parties are:

8 Goble: Claims 1-16

9 Slater: Claims 40 and 42-51

10 The claims of the parties which correspond to Count 1 are:

11 Goble: Claims 1 and 3-12

12 Slater: Claims 40 and 42-51

13 The claims of the parties which do not correspond to Count 1, and therefore are
14 not involved in the interference, are:

15 Goble: Claims 2 and 13-16

16 Slater: None

17
18 The parties are accorded the following benefit:

19 Goble: None

20
21 Slater: Application 08/806,386 filed 27 February 1997, now
22 Patent 6,447,511 granted 10 September 2002

23 Application 08/354,992 filed 13 December 1994
24
25
26

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see
3 SO ¶ 106.1.1:
4
5
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7 UNITED STATES PATENT AND TRADEMARK OFFICE
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10 BEFORE THE BOARD OF PATENT APPEALS
11 AND INTERFERENCES
12

13
14 NIGEL M. GOBLE and COLIN C.O. GOBLE
15 Junior Party
16 (Patent 5,860,975),
17

18 v.
19

20 CHARLES R. SLATER
21 Senior Party
22 (Application 09/484,247).
23

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26 Patent Interference No. 105,774 (JL)
27 (Technology Center 3700)
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32 Part H. Order form for requesting file copies

33 When requesting copies of files, use of SO Form 4 will greatly expedite
34 processing of the request. Please attach a copy of Parts E and F of this
35 DECLARATION with a hand-drawn circle around the patents and applications for which
36 a copy of a file wrapper is requested.

37
38 /JAMESON LEE/
39 Administrative Patent Judge

1 Revised 3 January 2006

2
3
4 Enc:

5 Copy of STANDING ORDER
6
7
8
9

10 cc (via overnight delivery):
11

12 Attorney for Goble:
13

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